

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

DERRICK HALL,

Plaintiff,

v.

PATRICIA L. CARUSO, *et al.*,

Defendants.

CASE NO. 08-CV-13183

DISTRICT JUDGE BERNARD FRIEDMAN
MAGISTRATE JUDGE CHARLES BINDER

ORDER CORRECTING CASE CAPTION

This order is entered under the authority given to this Magistrate Judge in an Order of Reference issued by District Judge Friedman pursuant to 28 U.S.C. § 636(b)(1)(A).

On September 12, 2008, U.S. District Judge Bernard A. Friedman referred all pretrial matters to the undersigned magistrate judge. (Dkt. 3.) On September 16, 2008, after screening the complaint, a Report and Recommendation (“R&R”) issued suggesting that the complaint be served only on Defendants Gladney, Hayes and Vadlamudi, and that all other defendants be *sua sponte* dismissed with prejudice because the complaint failed to state a claim against them. (Dkt. 5.) Plaintiff Hall filed objections to the R&R; one of his objections was that the docket did not list and the R&R did not specifically mention by name “Susan Kristensen” or “CSM/UM MDOC Medical Contractor.” (Objections, Dkt. 9.) On November 13, 2008, U.S. District Judge Bernard Friedman overruled Plaintiff’s objections and adopted the R&R, dismissing all defendants except Gladney, Hayes and Vadlamudi. (Dkt. 10.) On November 25, 2008, Plaintiff submitted a letter to the Court inquiring once again about Susan Kristensen and CSM/UM MDOC Medical Contractor; attached to the letter is a copy of his previous objections that were overruled. The Clerk’s office docketed

the letter (Dkt. 12) and added Susan Kristensen and “MDOC Medical Contractor” as defendants to the court’s official docket.

The Clerk’s office is hereby directed to terminate Susan Kristensen and “MDOC Medical Contractor” as defendants, as it has already been determined that the complaint states a claim only against Defendants Gladney, Hayes and Vadlamudi. (Dkt. 10.) Susan Kristensen was alleged in the complaint to have interviewed Plaintiff with regard to a grievance he filed that was rejected. (*See* Dkt. 1 at 2, 3, 5, 10.) As stated in the R&R, the denial of a prisoner’s grievance does not state a claim of constitutional dimension. *Alder v. Correctional Medical Servs.*, 73 Fed. App’x 839, 841 (6th Cir. 2003); *Martin v. Harvey*, 14 Fed. App’x 307, 309 (6th Cir. 2001); *Shehee v. Luttrell*, 199 F.3d 295, 300 (6th Cir. 1999). Likewise, the complaint does not state a claim against Correctional Medical Services (“CMS”), an independent contractor that provides medical services to the Michigan Department of Corrections (“MDOC”), because the only time CMS is mentioned in the complaint is either when Plaintiff identifies someone as a “CMS doctor” or nurse, or when Plaintiff states that Patricia Caruso “was responsible to oversee, manage, and evaluate the MDOC management contract with the CMS Group, Inc., provider for state inmates” (Compl. at 4.) As explained in the R&R, to state an Eighth Amendment claim of deliberate indifference, a Plaintiff must allege that a specific defendant knew of and disregarded a substantial risk of harm to Plaintiff. No such independent claim is asserted against CMS in the complaint.

Accordingly, the Clerk's office is directed to terminate Susan Kristensen and "MDOC Medical Contractor" as defendants. In addition, the Clerk's office is directed to correct the docket to reflect that Defendant "Jones, R.N." was terminated by order of Chief Judge Friedman on November 13, 2008. (Dkt. 10.)

IT IS SO ORDERED.

Review of this Order is governed by 28 U.S.C. § 636(b)(1), FED. R. CIV. P. 72, and E.D. Mich. LR 72.1(d).

s/ Charles E. Binder

CHARLES E. BINDER
United States Magistrate Judge

Dated: December 5, 2008

CERTIFICATION

I hereby certify that this Order was electronically filed this date, and served by first class mail on Derrick Hall, #219552, at Saginaw Correctional Facility, 9625 Pierce Rd., Freeland, MI, 48623-8102.

Date: December 5, 2008

By s/Jean L. Broucek
Case Manager to Magistrate Judge Binder